IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 29745 of 2007(N)

PETITIONER:

SANTHOSH KUMAR, S/O.VISWANATHAN
CHETTIYAR, VINOD BHAVAN, DEVASWARAM,
KILIMANOOR VILLAGE, THIRUVANANTHAPURAM P.O.

BY ADV. SRI. K.SIJU
SRI.PRATHEESH.P

RESPONDENTS:

THE KERALA STATE PUBLIC SERVICE
COMMISSION, PATTOM P.O., THIRUVANANTHAPURAM.

BY SRI. ALEXANDER THOMAS, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).29745/2007

Dated this the 5th day of November, 2007

JUDGMENT

Petitioner applied for selection to the post of Junior Inspector of Co-operative Societies in the Co-operative Department. The selection of written examination was in the mode of OMR valuation. According to the petitioner, question No.38 in Alpha Code-A was:-

(q). Wages and salaries are show in:

(A). Petitioner and L A/c (B).Trading A/c

(C). P and L Appropriation A/c (D).Balance Sheet.

2. The correct answer is treated as B in the answer key published by the PSC Bulletin on 1.6.2007. Thereafter, by Ext.P3, PSC issued a notification stating that the answer to the aforementioned question is A and not B. This modification, according to the petitioner, is not correct and against the basic principles. Ext.P5 representation was filed before the Chairman, PSC. No action has been taken so far. Petitioner seeks a direction to the respondent to correct Ext.P3 answer key from option A to option B.

3. The learned Standing Counsel for PSC submits that there could be different views as regards the correct answer to a question and though initially answer key published by the PSC indicated option B as the correct answer, on a specific opinion from the experts, it was gathered that correct answer is option A.

4. Counsel refers to the judgment in W.P.(C). 24325/2005 in which this Court has held "even assuming there is some mistakes in answers it is not proper for this Court to interfere with the same in exercise of its powers of judicial review. It is impossible to publish an answer key acceptable to all experts and difference of opinion in the case of correctness of answers is always likely to linger".

5. Same principle would apply in the present case. In my opinion this Court cannot interfere with the selection process and it is also not possible for this Court to issue a direction to the PSC to prefer one answer to another,

especially in a case where there is divergence of opinion among experts as to what could be the correct answer.

6. Learned counsel for the petitioner submits that Ext.P5 representation is pending before the respondent. It is open to him to pursue Ext.P5. Subject to this right, this writ petition is disposed of.

V.GIRI
Judge

mrcs